UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

August 28, 2012

Colonel Edward R. Fleming
District Commander
U.S. Army Corps of Engineers
Post Office Box 60267
New Orleans, Louisiana 70160-0267

Dear Colonel Fleming:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, Environmental Protection Agency (EPA) Region 6 has completed its review of the Corps of Engineers (COE) Final Environmental Impact Statements (FEIS) for the Mississippi River Gulf Outlet (MRGO) Ecosystem Restoration Plan. The plan was developed in response to Section 7013 of the Water Resources Development Act (WRDA) of 2007, which directed the COE to conduct a comprehensive ecosystem restoration study to restore the Lake Borgne ecosystem and the areas affected by the MRGO navigation channel.

EPA Region 6 provided comments on the Draft EIS (DEIS) dated February 14, 2011. EPA rated the DEIS as "EC-2", i.e., Environmental Concerns to the Proposed Actions and Requested Additional Information. EPA is pleased that the FEIS includes additional analysis of the proposed action to address our concerns. We have enclosed additional detailed comments for your consideration and incorporation into the Record of Decision Document.

Thank you for the opportunity to comment on the FEIS. If you have any questions about the 309 Review Process, please contact Michael Jansky, of my staff, at (214) 665-7451 or by e-mail at jansky.michael@epa.gov.

Sincerely yours,

Rhonda Smith
Chief, Office of Planning and
Coordination 6ENXP

Enclosure:

cc: USFWS, Lafayette, LA
NMFS, Baton Rouge, LA
OCPR, Baton Rouge, LA

DETAILED COMMENTS
ON THE
U.S. ARMY CORPS OF ENGINEERS
MISSISSIPPI RIVER GULF OUTLET ECOSYSTEM RESTORATION PLAN
FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

General Comment

Our comment letter on the Draft EIS (DEIS) dated, February 14, 2011, emphasized strong EPA support for the restoration of areas adversely affected by the MRGO. EPA believes that high priority elements of this plan be implemented as quickly as possible. In that regard, EPA asks that the COE consider designating restoration of the Bayou Bienvenue Triangle as a "Tier 1" priority. This project is currently listed as "Tier 2", with construction being postponed until environmental conditions (particularly salinities) are suitable to support cypress restoration. Restoration of this area could be done in phases, beginning with marsh restoration in the near term and then incorporating cypress planting when suitable conditions have been established. EPA believes a phased approach could expedite the significant benefits this project would bring to the local community.

While EPA supports expeditious implementation of portions of this plan, we continue to recommend further review of the trade-offs associated with large-scale "internal" sediment mining for wetland restoration. The practice of internal mining does not address the sediment deficit caused by disruption of deltaic processes. Although more costly, the use of "external" sediments (particularly from the Mississippi River) does help address the underlying sediment deficit and is a more ecologically appropriate restoration strategy in the long term. The additional cost of bringing sediments from the river should be balanced against the added ecological value of importing external sediments.

EPA also recommends that the Corps further assess the potential adverse impacts of rock shoreline protection. We fully understand the value of targeted use of shoreline protection in strategic locations. Nevertheless, the large-scale application of this technique could create lengthy artificial hydrologic barriers similar in effect to spoil banks, which could cause indirect adverse impacts to wetlands due to changes in hydrology. Given the scope of the proposed rock shoreline protection, EPA believes it is appropriate and practical to more fully evaluate the potential environmental downsides of this technique, while also continuing to look for environmentally preferable alternatives.

The issues raised above should not necessarily delay implementation of priority components of the MRGO Ecosystem Restoration Plan, as there will be ample opportunity to reevaluate these matters during the multi-year implementation process. Indeed, in addition to funding, it appears the question of cost sharing between the Federal government and a non-Federal sponsor is the primary barrier to implementation of this restoration plan. Given the importance of this restoration effort, EPA encourages the interested parties to seek resolution of this matter as quickly as possible. If you wish to discuss technical aspects of these comments, please contact John Ettinger at (504) 862-1119 or by e-mail at ettinger.john@epa.gov

Air Quality

EPA at this time would like to supplement its air quality comments provided on the Draft EIS. While we recognize that the impacts are temporary in nature, the estimated emissions of certain pollutants, in particular Nitrous Oxides (NOx), Carbon Monoxide (CO) and Particulate Matter (PM), emitted from construction-related activities, are significant. To further reduce these air quality impacts, EPA recommends that the following mitigation measures be included in the MRGO Restoration Plan. Our recommendations are as follows:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).

Administrative controls:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;
- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and
- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).